

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA	)	
	)	
V.	)	Crim. No. 15-cr-10271-WGY
	)	
ALEX LEVIN	)	
_____	)	

**DEFENDANT'S MOTION FOR AMENDMENT OF CONDITIONS OF RELEASE**

The defendant, Alex Levin, moves pursuant to 18 U.S.C. § 3145(a)(2) that this Court amend the conditions of release ordered by this Court on May 12, 2016 (Dkt. 85). Specifically, the defendant moves that his curfew be removed and that he be permitted to use a computer so that he may obtain additional employment as a computer programmer. The defendant's computer use would be monitored by court-approved software for which he would bear the cost. Pretrial Services, through Probation Officer Chrissy Murphy, assents to this motion.<sup>1</sup> As grounds therefore, the defendant states the following:

The defendant was charged with one count of possession of child pornography on August 12, 2015. On April 20, 2016, this Court allowed the Defendant's Motion to Suppress Evidence. (Dkt.

<sup>1</sup> Counsel for the defendant provided a copy of this motion to Assistant United States Attorney David Tobin on March 31, 2017, in order to inquire whether the prosecution had any objection. Counsel has not received a response as of the date of this filing.

69). The prosecution filed a notice of appeal on May 17, 2016, and the case was transferred to the jurisdiction of the First Circuit Court of Appeals. (Dkt. 89, 91). The prosecution received three extensions of time for filing its brief in the First Circuit. The prosecution filed its brief on October 26, 2016. The defendant filed his brief on February 3, 2017. The prosecution received an extension to file its reply brief until March 17, 2017. The prosecution also moved that oral argument be moved from April 3, 2017 to a later date due to professional obligations. Oral argument is currently scheduled for May 3, 2017.

The defendant's curfew runs from 9:00 p.m. until 7:00 a.m. on Wednesday through Friday and from 1:00 a.m. until 7:00 a.m. from Saturday through Tuesday. He moves that his curfew be removed in its entirety. The defendant began working part-time at an Amazon fulfillment center in August, 2016. The defendant works the second shift from Saturday through Tuesday and gets home just in time to make his curfew. Removing his curfew will allow the defendant to spend meaningful time with his family and fiancé, as well as take graveyard shifts at Amazon to earn additional income.

Amazon has been impressed with the defendant's work and requested that he participate in management training. Per the District Court's previous amendment, the defendant was able to

accept the promotion. The defendant also moves that he be permitted to use a computer that would be fitted with court-approved monitoring software that the defendant would pay for.

The defendant has abided by his conditions of release at all times since being released in April of 2016. The appeal in the defendant's case is unlikely to be resolved for several more months. This case has taken a serious toll on the defendant's finances. He would be able to increase his earning power considerably if he is permitted to supplement his current employment by working as a computer programmer – his profession prior to his arrest. The additional employment will also enable the defendant to provide meaningful support for his eleven year-old daughter. Pretrial Services would be able to monitor the defendant's computer activity, and he would not use the computer for matters unrelated to employment.

The defendant's other conditions of release: report to Pretrial Services; remain in Massachusetts; maintain residence and do not move without prior Pretrial Services approval; refrain from excessive use of alcohol; refrain from drug use; submit to random alcohol and drug testing; submit to location monitoring with a GPS ankle bracelet; and no unsupervised contact with children under 18 except his daughter, would remain in place.

WHEREFORE, the defendant moves that this Court amend the conditions of his release by removing his curfew and by allowing him use of a computer with monitoring software that he will pay for.

ALEX LEVIN  
By His Attorneys,

CARNEY & ASSOCIATES

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April 5, 2017

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

*J. W. Carney, Jr.*

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**AFFIDAVIT SUPPORTING**  
**DEFENDANT'S MOTION FOR AMENDMENT OF CONDITIONS OF RELEASE**

I, J. W. Carney, Jr., state that the facts contained in the attached motion are true to the best of my information and belief.

Signed under the penalties of perjury.

*J. W. Carney, Jr.*  
J. W. Carney, Jr.

April 5, 2017